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Attorney for the State of New Jersey
Professional Counselor Examiners Committee

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FILED
4-20-04
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

IN THE MATTER OF	:	
	:	Administrative Action
CAROL R. WITHERS	:	
License No. PC00223000	:	
	:	CONSENT ORDER OF
LICENSED TO PRACTICE	:	VOLUNTARY SURRENDER
PROFESSIONAL COUNSELING	:	OF LICENSURE
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey Professional Counselor Examiners Committee (the "Committee") upon receipt of a complaint from A.S. and S.S. alleging professional misconduct by Carol R. Withers ("Respondent") who holds a license in Professional Counseling. In response to the complaint, the Committee conducted an investigative inquiry in which Respondent, personally and by and through her legal counsel, Michael E. Carson, Esq., participated in the Committee's inquiry by providing documents and testimony. The Committee reviewed the entire record concerning this case, including the complaint filed by A.S. and S.S., as well as the

testimony obtained during the investigative inquiry from the Respondent. Of specific concern to the Committee was Respondent's management of the therapeutic needs of S.S., a minor, who presented with issues including, but not limited to sexual abuse and the use of nontherapeutic physical contact which included slapping S.S. on the face during a session on a day when the patient had received disturbing medical information. The Committee has further concerns regarding Respondent's failure to report allegations of child abuse concerning S.S.

It appears to the Committee that Respondent's actions as set forth herein constitute gross negligence and/or gross malpractice pursuant to N.J.S.A. 45:1-21(c) and professional misconduct pursuant to N.J.S.A. 45:1-21(e). It appearing that Respondent wishes to resolve this matter in order to avoid the initiation of formal disciplinary proceedings and for good cause shown:

ACCORDINGLY, IT IS on this 20 day of April, 2004,
ORDERED AND AGREED THAT:

1. Respondent's license to practice professional counseling in the State of New Jersey be and hereby is voluntarily surrendered with the understanding and agreement that Respondent will not apply for reinstatement of the license in the future.

2. Respondent shall cease and desist from any practice of professional counseling in the State of New Jersey effective forty-five (45) days from entry of this Order in order to permit an

orderly transition of Respondent's current patients and to ensure continuity of treatment. Respondent shall submit in writing to the Committee a list of all patients and written documentation of the transfer or referral or other disposition for each patient within forty-five (45) days of entry of this Order. Respondent shall immediately notify all patients in writing of the need to refer their matter within the forty-five (45) day period provided in this Order. Respondent shall accept no new patients during the forty-five (45) day period and thereafter.

3. Respondent shall surrender her license to practice professional counseling to the Professional Counselor Examiners Committee's office located at 124 Halsey Street, 6th Floor, Newark, New Jersey within forty-five (45) days of entry of this Order.

4. Respondent shall immediately cease and desist any inappropriate nontherapeutic physical contacts with patients.

5. Respondent shall immediately file a report with the State of New Jersey Division of Youth and Family Services pursuant to N.J.S.A. 9:6-8.10 concerning S.S., a former client.

6. Respondent shall be assessed the investigative costs to the State in this matter in the amount of four hundred ninety five dollars (\$495.00). The total costs shall be due and payable no later than thirty (30) days following the entry date of this Order and shall be submitted to the Committee by certified check or money order made payable to the State of New Jersey. The payment shall

FROM : SANDER PROFESSIONAL ASSOC

FAX NO. :

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be sent to Elaine DeMars, Executive Director, State Professional Counselor Examiners Committee, Post Office Box 45007, Newark, New Jersey 07101.

NEW JERSEY PROFESSIONAL COUNSELOR
EXAMINERS COMMITTEE

By:

J. Barry Mascari
J. Barry Mascari, LPC
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the State of New Jersey Professional Counselor Examiners Committee to enter this Order.

Carol R. Withers
Carol R. Withers

4/6/04
Date

Consent as to form and entry

Michael E. Carson
Michael E. Carson, Esq.

4/6/04
Date

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